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11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**
13 **WESTERN DIVISION**

14 **CHARLES EDWARD BECKNER,**

15 **Petitioner,**

08-cv-00482 BEN (JMA)

16 **ANSWER TO PETITION FOR**
WRIT OF HABEAS CORPUS

17 **v.**

18 **MATTHEW M. MARTEL, Warden, et al.,**

19 **Respondents.**

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16 **v.**

**ANSWER TO PETITION FOR
WRIT OF HABEAS CORPUS**

17 **MATTHEW M. MARTEL, Warden, et al.,**

18 **Respondents.**

20 Respondent, Matthew M. Martel, Warden of the California Rehabilitation Center in Norco,
 21 California, by and through his counsel, Edmund G. Brown, Jr., Attorney General for the State of
 22 California, and Lise Jacobson, Deputy Attorney General, makes this Answer pursuant to the Order
 23 of this Court filed on March 27, 2008. Respondent denies and affirmatively alleges as follows:

24 **I.**

25 Petitioner Charles Edward Beckner is presently in the lawful custody of the California
 26 Department of Corrections and Rehabilitation at the California Rehabilitation Center in Norco,
 27 California, pursuant to a valid judgment of conviction rendered on October 15, 2007, in San Diego
 28 County Superior Court case no. SCE267833. Beckner was sentenced to prison for two years and

1 eight months after he plead guilty to commercial burglary, check forgery, and resisting an officer,
2 and admitted he had sustained a prior strike conviction and two prior prison term convictions.

III.

4 Beckner's detention is lawful and proper.

III.

6 The present case is governed by the Antiterrorism and Effective Death Penalty Act of 1996
7 (AEDPA).

IV.

9 Beckner raises one ground for relief: the sixty-five hour delay between his arrest and
10 arraignment violated his Sixth Amendment right to a speedy trial, his state constitutional rights to
11 a speedy trial and due process, and procedural due process.

V.

13 Beckner exhausted state court remedies by presenting his claims to the California Supreme
14 Court in a state habeas petition. The Petition is also timely.

VI.

16 || Beckner's claims are barred by his guilty plea.

vii.

18 Beckner's claim that the pre-charging delay violated his state constitutional rights does not
19 present a federal question.

VIII.

21 The Petition should be denied and dismissed with prejudice because the San Diego County
22 Superior Court properly rejected Beckner's claims in a decision that involved neither an
23 unreasonable application of clearly established federal law as set forth by the United States Supreme
24 Court, nor an unreasonable determination of the facts in light of the evidence presented, and because
25 Beckner has failed to rebut the Superior Court's presumptively correct factual findings with clear
26 and convincing evidence to the contrary.

IX.

Beckner is not entitled to an evidentiary hearing.

1 **X.**

2 Respondent has lodged all transcripts, briefs, and opinions in counsel's possession that are
3 required by 28 U.S.C. foll. § 2254, Rule 5(c) and (d). Respondent incorporates all of the lodgments
4 into this Answer.

5 **XI.**

6 The relevant procedural history is set forth in the accompanying Memorandum of Points
7 and Authorities which is herein incorporated by reference. Except as expressly admitted,
8 Respondent denies each and every allegation of the Petition and specifically denies that Beckner's
9 constitutional rights have been or are being violated.

10 WHEREFORE, for the reasons set forth more fully in the following Memorandum of
11 Points and Authorities and Lodgments, it is respectfully requested that the Petition be denied with
12 prejudice.

13 Dated: May 12, 2008

14 Respectfully submitted,

15 EDMUND G. BROWN JR.
16 Attorney General of the State of California

17 DANE R. GILLETTE
18 Chief Assistant Attorney General

19 GARY W. SCHONS
20 Senior Assistant Attorney General

21 ANTHONY DA SILVA
22 Deputy Attorney General

23 /s/ LISE S. JACOBSON

24 LISE S. JACOBSON
25 Deputy Attorney General
26 Attorneys for Respondents

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1 **DECLARATION OF SERVICE BY U.S. MAIL**

2 Case Name: **Charles Edward Beckner v. Matthew M. Martel, Warden**
3 Case No.: **08-0482 BEN (JMA)**

4 I declare:

5 I am employed in the Office of the Attorney General, which is the office of a member of the
6 California State Bar, at which member's direction this service is made. I am 18 years of age or
7 older and not a party to this matter. I am familiar with the business practice at the Office of the
8 Attorney General for collection and processing of correspondence for mailing with the United
9 States Postal Service. In accordance with that practice, correspondence placed in the internal
10 mail collection system at the Office of the Attorney General is deposited with the United States
11 Postal Service that same day in the ordinary course of business.

12 On May 13, 2008, I served the attached **ANSWER TO PETITION FOR WRIT OF HABEAS**
13 **CORPUS** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully
14 prepaid, in the internal mail collection system at the Office of the Attorney General at 110 West
15 A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

16 Charles E. Beckner
17 CDC No. F-91260
18 P. O. Box 3535
19 Norco, CA 92860
20 *Petitioner in Pro Per*

21 I declare under penalty of perjury under the laws of the State of California the foregoing is true
22 and correct and that this declaration was executed on May 13, 2008, at San Diego, California.

23 C. Pasquali

24 Declarant

25 

26 Signature

27 70123533.wpd

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